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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,283

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Toyoshi Tokimoto

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EXAMINER

STRONCZER, RYAN S

ART UNIT

PAPER NUMBER

2425

NOTIFICATION DATE

DELIVERY MODE

04/15/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,283	<b>Applicant(s)</b> TOKIMOTO ET AL.	
	<b>Examiner</b> Ryan Stronczer	<b>Art Unit</b> 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 March 2009 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 24 March 2009 have been fully considered but they are not persuasive.

With respect to claims 1, 7, and 9, Applicant alleges that:

Uchida discloses EPG data in paragraph [0070] and further discloses, in paragraph [0074], that the set-top box 300 (Fig. 5) combines message information with the video signal or forms a video signal to be used to display EPG data, thereby to output this combined or formed signal. That is, in this configuration, Uchida forms a video signal on which EPG data is superposed not at the display apparatus 100 but at the set-top box 300. Labeeb discloses the EPG memory 36 is set in the set top box 34 (paragraph 0167).

However, Applicant's argument fails to consider the combined teachings of Uchida and Labeeb when viewed as whole. Uchida teaches that the on-screen display (OSD) processor of the set-top box (STB), which generates the EPG image, is similar to the OSD processor contained in the display apparatus 100 [0073]. Fig. 2 of Uchida further teaches that the display apparatus contains memory various storage media

Art Unit: 2425

including ROM, RAM, and EEPROM devices (Fig. 2/132-4). In an analogous art, Labeeb teaches a method for transmitting TV and EPG data to a user in which Labeeb teaches that it would advantageous to the receiving device to store the EPG template so that *"a video signal containing the template display data need not be continuously retransmitted to the set top box 34, thereby saving more bandwidth"* [0167]. Though Labeeb teaches storing the template at the STB as opposed to at the cable headend in a conventional television broadcasting system, Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the Labeeb's technique of storing the EPG template at the receiving device in a home environment, such as taught by Uchida, where the display device 100 functions as the receiving device and the STB 300 effectively functions as a local server or headend in that it is distributing video content to one or more remotely located devices.

One of ordinary skill in the art would have recognized that the ROM of Uchida's display device, which stores the template and display information for superimposing the control panel on the video image (see, e.g., 0043 and 0052), could have been modified to incorporate the EPG template of Labeeb. Labeeb teaches that storing the template at the receiving device reduces the bandwidth used by the system and Examiner maintains that applying the technique of Labeeb in the system of Uchida would have provided the benefit of reducing the transmission bandwidth from Uchida's STB to display device and would have increased system response time for the user by decreasing overall system latency. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references

Art Unit: 2425

individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

For at least these reasons, the rejection of claims 1, 7, and 9 set forth in the previous Office Action is maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (Pub. No.: US 2002/0054028) and further in view of Labeeb et al. (Pub. No.: US 2003/0093792).**

As to claims 1, 7, and 9, the rejection set forth above and in the previous Office Action is incorporated herein. As to the amended limitation that the base device (and not the wireless terminal) "decodes a signal into a first video data and an audio signal," paragraphs 0070-0075 of Uchida teach that the set top box 300 demultiplexes and decodes the received signal into a video and audio signal.

The display apparatus 100 taught by Uchida is the equivalent of the recited wireless terminal. As to the recited "receiving...video data and EPG data" Uchida teaches, *"Each satellite broadcast signal includes...data including a video signal and an*

Art Unit: 2425

*audio signal for a plurality of broadcast programs, data used for channel selection, and data for displaying an EPG*" [0070]. The display device taught by Uchida is inherently capable of displaying an EPG. As to the recited "second video generating means: and "video superimposing means," Fig. 2 of Uchida teaches that the display terminal contains an OSD (on-screen display) processing section which would allow the display device to display the EPG to the user.

As to the recited "rewritable nonvolatile memory for storing the EPG data received by the receiving means, the second video generating means generating the second video image based on the EPG data stored in the nonvolatile memory," Labeeb, as analyzed above, teaches storing an EPG template at the receiving device. Though Labeeb teaches storing the template at the STB as opposed to at the cable headend in a conventional television broadcasting system, Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the Labeeb's technique of storing the EPG template at the receiving device in a home environment, such as taught by Uchida, where the display device 100 functions as the receiving device and the STB 300 effectively functions as a local server or headend in that it is distributing video content to one or more remotely located devices.

One of ordinary skill in the art would have recognized that the ROM of Uchida's display device, which stores the template and display information for superimposing the control panel on the video image (see, e.g., 0043 and 0052), could have been modified to incorporate the EPG template of Labeeb. Labeeb teaches that storing the template at the receiving device reduces the bandwidth used by the system and Examiner

Art Unit: 2425

maintains that applying the technique of Labeeb in the system of Uchida would have provided the benefit of reducing the transmission bandwidth from Uchida's STB to display device and would have increased system response time for the user by decreasing overall system latency.

As to claim 3, Labeeb explicitly teaches that system may store an EPG template in memory:

Set top box **34** may also comprise a nonvolatile template memory **38** for storing the template in which the EPG data is to be inserted for display to the viewer on the viewer's television **40**. In this manner, a video signal containing the template display data need not be continuously retransmitted to the set top box **34**, thereby saving more bandwidth. [0167]

Though Labeeb teaches storing the template at the STB as opposed to at the cable headend in a conventional television broadcasting system, Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the Labeeb's technique of storing the EPG template at the receiving device in a home environment, such as taught by Uchida, where the display device 100 functions as the receiving device and the STB 300 effectively functions as a local server or headend in that it is distributing video content to one or more remotely located devices.

One of ordinary skill in the art would have recognized that the ROM of Uchida's display device, which stores the template and display information for superimposing the control panel on the video image (see, e.g., 0043 and 0052), could have been modified to incorporate the EPG template of Labeeb. Labeeb teaches that storing the template at the receiving device reduces the bandwidth used by the system and Examiner

Art Unit: 2425

maintains that applying the technique of Labeeb in the system of Uchida would have provided the benefit of reducing the transmission bandwidth from Uchida's STB to display device and would have increased system response time for the user by decreasing overall system latency.

As to claim 4, Uchida explicitly teaches that the system is designed to receive digital satellite television broadcast signals.

As to claim 5, Fig. 1 of Uchida as cited above teaches a base device consistent with that recited in claim 5.

As to claim 6, Fig. 6 of Uchida teaches a system comprising a wireless terminal and base device as recited. Paragraph 0070 of Uchida (cited above) explicitly teaches that the satellite broadcast contains EPG data and Fig. 2 of Uchida teaches that the terminal device contains an OSD processing section.

Claims 10 and 11 are rejected by Fig. 1 of Uchida as analyzed above.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM (EDT), Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272-7527. The fax phone



Art Unit: 2425

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Stronczer/  
Examiner, Art Unit 2425

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425